

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL ANDREW KITCHEN-BEY,

Plaintiff,

v.

Case No. 2:06-cv-251

HON. ROBERT HOLMES BELL

LEROY HOSKINS, et al.,

Defendants.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on January 2, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff argues that his claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA) and under the First Amendment should not be dismissed. Plaintiff asserts that the confiscation of his notes, research, correspondence, and Moorish Science Temple of America membership records violated his religious rights. Plaintiff was not restricted from practicing his religious beliefs. Plaintiff has not established that his rights to exercise his religious beliefs were violated or substantially burdened by defendants' conduct. Plaintiff has failed to show that defendants violated the RLUIPA when confiscating plaintiff's materials. Moreover, plaintiff

has not shown that defendants Winn and Obiden were personally involved in the confiscation of his alleged religious property.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #48) is approved and adopted as the opinion of the Court.

Date: March 7, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE